

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Crim. No. 12-05018-01-CR-SW-DW</b>
	)	
<b>SCOTT BRADLEY OLSEN,</b>	)	
	)	
<b>Defendant.</b>	)	

**GOVERNMENT’S PROPOSED *VOIR DIRE* QUESTIONS**

The United States of America, by the United States Attorney for the Western District of Missouri and undersigned counsel, provides the following proposed *voir dire* questions pursuant to Fed. R. Crim. P. 24(a), which the Government respectfully requests that the Court address to the jury panel and, as necessary, individual members.

**I. Questions to Be Addressed to Jury Panel as a Group**

**A. Duty as Jurors**

1. In federal court, the members of the jury are charged only with the duty of determining the guilt or innocence of a defendant. The jurors have no part in determining what sentence is given in the event the defendant is found guilty. Is there any member of the panel who does not understand this arrangement, or for whom it would cause difficulty in giving the case a fair hearing?

2. The members of this panel selected as members of the jury in the case today will be the judges of the facts and must accept the law as the Court explains it in its charge. Is there any member of the panel who could not accept this duty?

3. If you are qualified as jurors in this case, you will be required to make a solemn oath that you will well and truly try this case now before the Court and the verdict therein render according to the evidence, so help you God. Is there any member of the panel who could not take this oath?

**B. Statement of the Case**

4. The Grand Jury has charged the defendant with having committed criminal offenses in what is called an indictment. Under Count One, the indictment charges that the defendant committed the crime of making a false and fraudulent application for benefits in connection with a Presidential Disaster Declaration for the State of Missouri. Under Count Two, the indictment charges that the defendant committed the crime of making false and fraudulent statements and representations in a matter within the jurisdiction of the Federal Emergency Management Agency (FEMA), an agency of the United States. The defendant has pleaded not guilty to each crime with which he is charged. Is there anything about the charges in this case that makes you unwilling or reluctant to serve as a juror?

**C. Knowledge of Persons Involved in the Case**

5. The United States is represented by Steven Mohlhenrich, Assistant United States Attorney for the Western District of Missouri. Also in the United States Attorney's Office are Earl Brown, Patrick Carney, Randall Eggert, Timothy Garrison, Cynthia Hyde, James Kelleher, Abram McGull, Ami Miller, Gary Milligan, and Michael Oliver. Is any member of the panel related to, or acquainted with, these Assistant United States Attorneys?

6. The case agent with Mr. Mohlhenrich on this case is Special Agent Matt Niezgoda, with the Department of Homeland Security-Office of the Inspector General. Is any member of the panel related to, or acquainted with, Special Agent Neizgoda?

7. The defendant in this case is Mr. Scott Bradley Olsen, of Joplin, Missouri. Is any member of the panel related to the defendant or acquainted with him?

8. The defendant is represented by defense attorney Mr. Brian Risley, of Springfield, Missouri. Is any member of the panel related to or acquainted with Mr. Risley?

9. Do you know, or are you familiar with, any of the following individuals who may be witnesses in this case?

[The Court is respectfully requested to read the government's witness list and, if provided, the witness list of the defendant.]

**D. Feelings About Disaster Assistance**

10. Has any member of the jury, a family member, or a close friend, ever been a victim of a natural disaster, such as the May 22, 2011 Joplin tornado?

a. What happened?

11. Has any member of the jury, a family member, or a close friend, ever filed a claim for federal or state benefits as a result of a natural disaster?

a. What happened?

12. Do any of you feel it is wrong for the Government to provide financial assistance to victims of natural disasters?

**E. Feelings About Fraud Investigations**

13. Has any member of the jury, a family member, or a close friend, ever been under civil or criminal investigation by the federal or state government related to fraud in an application for benefits?

(Please ask prospective jurors answering in the affirmative to approach sidebar and explain their answers.)

- a. Was that investigation resolved to your satisfaction?
- b. Would anything about that experience impair your ability to render a fair and impartial verdict in this case?

14. Do you know anybody who has committed some sort of benefits fraud?

- a. If so, would that fact influence you in this case?

**F. Disputes With United States**

15. Has any member of the panel or the member's family ever been involved in any controversy or litigation of any kind with the United States government? If so, what was the nature of the controversy or litigation, and what was the outcome?

**G. Views on Law Enforcement**

16. Do you have any strong feelings for or against federal law enforcement agencies, in general, or the Department of Homeland Security in particular?

17. Have you, a family member, or a close friend, ever had any experience with a law enforcement agency that would make it difficult for you to be an impartial juror in this case?

18. Do you believe members of law enforcement agencies are any more credible or less credible than witnesses who are not associated with law enforcement?

[It is respectfully requested that prospective jurors answering in the affirmative be asked to approach at sidebar and explain their answers.]

- a. Do you feel that the conviction was fair?
  - b. Did the conviction involve the testimony of law enforcement officers?
19. Have you, a family member, or anyone close to you, ever been arrested, charged, convicted, or incarcerated in relation to any crime? (You may ask to approach the bench to answer this question if you prefer.) If so, please explain what happened and the nature of the

experience with law enforcement officers involved in the case. What were the circumstances and what was the final outcome? Has that experience caused you any feelings regarding law enforcement that might make it difficult for you to be a fair and impartial juror in this case?

20. Have you, or has anyone close to you, ever made a police report or asked a law enforcement officer for help? If so, did the officer act professionally and fairly? Do you think the law enforcement officer did all he or she could to help you? Do you have any positive or negative feelings as a result of that contact?

21. Have you, or has anyone close to you, ever filed a lawsuit or complaint concerning the conduct of a law enforcement officer or employee of the IRS?

22. Have you, or has anyone close to you, ever testified in court in a criminal case? If so, was this as a witness for the defense or prosecution?

23. Do you have any feelings regarding the criminal justice system that might affect your ability to consider the evidence in this case fairly and impartially, and to base your verdict only on the evidence presented in this case?

**G. Victim of Crime**

24. Have you, or has anyone close to you, ever been the victim of a crime? If so, would that experience prevent you from giving either the government or the defendant a fair trial?

**H. Involvement in Defense of Criminal Case**

25. Has any member of the panel or the member's family ever been involved in the defense of a criminal case, either as a witness, as a defendant, or at the request of a defense lawyer?

**I. Presumption of Innocence, Burden of Proof and Ability to Follow Court's Instructions**

26. Do you understand that while every defendant begins his trial with the presumption of innocence intact, a “clean slate,” and that if you voted now you would have to vote “not guilty,” since no evidence has yet been presented?

27. Do you understand that the United States may overcome that presumption of innocence by the presentation of evidence of guilt beyond a reasonable doubt?

28. Do you understand that the Government need not prove its case beyond a shadow of a doubt, or beyond any possible doubt?

29 Will you agree to hold the Government only to the burden of proof that I instruct you on, that is, proof beyond a reasonable doubt, and not beyond all doubt?

30. If, during your deliberations, you have some doubt, large or small, about whether the government has proved each element of each charge, will you discuss your doubts with your fellow jurors with the idea of resolving them and deciding the issue, one way or the other?

31. At the end of the case, I will instruct you on the law applicable to the case, which includes federal criminal tax laws. Will any of you have any difficulty accepting and following these laws as I give them to you?

**J. Prior Jury Service**

32. Has any juror ever served on a jury, federal or state, before? If so:

a. Was the case civil or criminal?

b. Were you able to reach a verdict in the case?

**K. Punishment and Sympathy**

33. The potential punishment for the offenses charged in the indictment is a matter that should never be considered by the jury in any way in arriving at an impartial verdict as to the guilt or innocence of the accused. Can you put aside concerns about potential punishment in arriving at a fair and impartial verdict in this case?

34. If the court instructs you that your verdict must not be based on sympathy, passion, or prejudice, but only on the evidence in this case, will you be able to follow that instruction?

35. There are some people who, for moral, ethical, or religious reasons, believe that it is not proper, or who find it difficult to pass judgment on the conduct of others. Do any of you hold such beliefs?

36. Do you have any reservations about sitting in judgment of a person accused of violating criminal laws and returning a verdict?

37. Irrespective of your personal feelings about any issue that may arise in this case, will you follow the law as the Court gives it to you during this case?

38. Is there any member of the panel who knows of any reason whatsoever why he or she could not sit as a juror in this case with absolute impartiality to both sides, either because of some prejudice personally against either defendant or against the Government or the Government's charges against the defendant in this case?

## **II. Questions to Be Addressed to Each Member of the Jury Panel Individually**

It is suggested that each member of the panel be questioned and required to speak, stating his or her name, address, employment for the past five years, marital status, and the length of residence in the Southern or Southwestern Division of the Western District of Missouri.

Respectfully submitted,

**TAMMY DICKINSON**  
United States Attorney

By: /s/ Steven M. Mohlhenrich  
**STEVEN M. MOHLHENRICH**  
Assistant United States Attorney

### **CERTIFICATE OF SERVICE FOR CM-ECF PARTICIPANTS:**

The undersigned hereby certifies that a copy of the foregoing was delivered on April 17, 2013, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Steven M. Mohlhenrich  
**STEVEN M. MOHLHENRICH**  
Assistant United States Attorney